

DECLARATION OF LOCAL EMERGENCY AND EXECUTIVE ORDER

WHEREAS, Garden City, Georgia, has experienced an event of critical significance as a result of the novel coronavirus known as COVID-19; and,

WHEREAS, the World Health Organization has declared COVID-19 as a global pandemic (COVID-19 Pandemic); and,

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency in response to the outbreak of COVID-19; and,

WHEREAS, on March 14, 2020, Governor Brian Kemp declared that a public health emergency exists in the State of Georgia due to the spread of COVID-19 within Georgia, said emergency state having been extended a number of times by Governor Kemp, the last time being on May 28, 2021, pursuant to an Executive Order extending the public health emergency to June 29, 2021, when it is scheduled to terminate; and,

WHEREAS, on March 23, 2020, Governor Kemp announced, through the issuance of an Executive Order, that “certain individuals with an increased risk of complications from COVID-19 [were] to isolate, quarantine, or shelter in place,” covering those who “live in long-term care facilities, have chronic lung disease, are undergoing cancer treatment, have a positive COVID-19 test, are suspected to have COVID-19 because of their symptoms or exposure, or have been exposed to someone who has COVID-19,” and that the Department of Public Health would institute rules and regulations to implement such measures; and,

WHEREAS, on March 23, 2020, Governor Kemp additionally announced measures to “close all bars and nightclubs and ...ban all gatherings of ten or more people” unless they can assure spacing for at least six (6) feet apart between people at all times beginning at noon on March 24, 2020, and lasting until noon on April 6, 2020; and,

WHEREAS, on April 2, 2020, Governor Kemp entered an Executive Order which rescinded the March 23, 2020, Executive Order and which, among other things, ordered that until April 13, 2020, at 11:59 p.m. (1) all Georgia residents shall “Shelter in Place” within their homes unless conducting certain “Essential Activities or Services” (e.g., engaging in “Minimum Basic Operations” of permitted businesses, working as part of the “Critical Infrastructure” work force, obtaining necessary supplies and services for family members, seeking medical or emergency services, engaging in outdoor exercise, and performing “Necessary Travel”), (2) all business establishments that are not considered part of the “Critical Infrastructure” shall engage in only “Minimum Basic Operations” while observing social distancing, (3) all restaurants shall cease dine-in service, (4) all gyms, fitness centers, bowling alleys, theaters, live performance venues, operators of amusement rides, body-art studios, hairstyling salons, massage parlors, and bars shall immediately cease all operations, and (5) all gatherings of 10 people or more in a single location shall be prohibited; and,

WHEREAS, on April 8, 2020, Governor Kemp extended the effectiveness of his April 2, 2020, order through April 30, 2020, but on April 20, 2020, and April 27, 2020, issued Executive Orders permitting gyms, fitness centers, body-art studios, estheticians, hair designers, and massage therapists to resume in-person operations subject to certain restrictions commencing April 24, 2020, and directing certain healthcare-related practices and services to begin treating patients as soon as possible in accordance with CDC guidelines and the provisions of said Order, and on April 23, 2020, issued another executive order which, among other things, (i) permitted restaurants and dining rooms, including those at private clubs, to resume providing dine-in services as of April 27, 2020, subject to certain restrictions set forth therein, (ii) permitted in-door theaters and bowling alleys to resume normal operations as of April 27, 2020, subject to certain restrictions set forth therein, and (iii) required only those residents and visitors of the State of Georgia who meet certain criteria for higher risk of severe illness as defined by the CDC to remain Sheltered in Place after April 30, 2020; and,

WHEREAS, on April 8, 2020, Governor Kemp also entered an Executive Order requiring senior care facilities to take steps to prevent the spread of the virus, including banning most visitors and requiring in-room dining services to the extent feasible, said Order having expired at 11:59 p.m. on September 15, 2020; and,

WHEREAS, the above-mentioned April 27, 2020, Executive Order of the Governor also imposed restrictions through May 13, 2020, on the operation of all retail businesses as a condition of resuming operations on or after May 1, 2020, and also specifically on food establishments such as grocery stores and convenient stores as a condition of continuing business operations; and,

WHEREAS, on May 12, 2020, Governor Kemp entered another Executive Order which incorporated most of the terms and provisions of his previous Executive Orders and which contained certain supplemental provisions such as (1) continuing until May 31, 2020, the closing down of all live performance venues, bars and night clubs, (2) continuing the sheltering down of those residents and visitors of the State of Georgia who meet certain criteria for higher risk of severe illness, (3) allowing restaurants and dining facilities to increase the party size at tables to 10 persons per table, and (4) establishing rules and regulations for the operation of summer camps effective May 14, 2020; and,

WHEREAS, on May 28, 2020, Governor Kemp entered another Executive Order effective June 1, 2020, and expiring June 15, 2020, which again incorporated most of the terms and provisions of his previous Executive Orders and which contained certain supplemental provisions such as (1) increasing the limit on social gatherings at a single location from ten (10) persons to twenty (25) persons if, to be present, persons are required to stand or be seated within six (6) feet of any other person, (2) allowing banquet and private event facilities to function where food is served, (3) continuing to ban all live performance venues, (4) permitting the opening of bars on June 1, 2020, (5) permitting the opening of amusement parks, traveling carnivals, and circuses on June 12, 2020, subject to compliance with the operating guidelines set forth therein, and (6) establishing rules and regulations for the operation of summer schools; and,

WHEREAS, on June 11, 2020, Governor Kemp entered another Executive Order effective June 16, 2020, and expiring June 30, 2020, leaving in place everything in his prior Order and

supplementing same with provisions which (1) no longer require persons over the age of 65 to shelter in place unless they are in a category that is considered high risk by the CDC, (2) allowing sports and live performance venues to open to the public pursuant to certain requirements set forth at pages 32 through 36 of the Order, (3) allowing conventions to be held from July 1, 2020, provided that the requirements set forth at pages 37 through 38 are followed, (4) increasing the limit on social gatherings at a single location from twenty-five (25) persons to fifty (50) persons if, to be present, persons are required to stand or be seated within six (6) feet of any other person, (5) changing the requirements applicable to dine-in services by no longer requiring social distancing, allowing salad bars under certain conditions, no longer prioritizing take-out service, and opening accessory playrooms if regularly cleaned, (6) changing the requirements applicable to food establishments by no longer limiting the number of patrons inside a store to 50% of the fire capacity occupancy of the entire store or eight (8) patrons per 1,000 square feet, (7) changing the requirements applicable to gyms and fitness centers by now allowing hot tubs, saunas, and steam rooms to open and no longer requiring patrons to spray shower after exercising, (8) changing the requirements applicable to beauty salons, barbers body art studios, and massage therapists by no longer requiring services by appointment only, the use of hand sanitizer for arriving patrons, and waiting for services outside the premises, (9) changing the requirements applicable to bars by now limiting the total number of persons in the bar to 50 people or 35% of the fire occupancy, whichever is greater, (10) changing the requirements applicable to the operation of waterparks and amusement rides, and (11) changing the requirement that overnight campers and workers not be permitted to begin any summer camp unless they have received a negative test result for COVID-19 within seven (7) days prior to the beginning an overnight summer camp (the period of time being enlarged to twelve (12) days); and,

WHEREAS, on June 29, 2020, Governor Kemp entered another executive order which incorporated all of the terms and provisions of his above-mentioned June 11, 2020, Executive Order and which was effective from July 1, 2020, at 12:00 a.m. until July 15, 2020 at 11:59 p.m.; and,

WHEREAS, on July 15, 2020, Governor Kemp entered another executive order which (1) incorporated all of the terms and provisions of his above-mentioned June 29, 2020, Executive Order, (2) supplemented same with respect to the operation of certain Critical and non-Critical Infrastructure including, but not limited to, schools and child care learning centers and family child learning homes, and (3) specifically suspended any state, county, or municipal law, order, ordinance, rule or regulation, other than orders issued pursuant to the authority of Official Code of Georgia Annotated Section 38-3-60 et seq. (relating to judicial emergencies), requiring persons to wear face coverings, masks, face shields, or any other personal protective equipment while in places of public accommodation or on public property, said executive order being effective from July 16, 2020, at 12:00 a.m. until July 31, 2020 at 11:59 p.m.; and,

WHEREAS, on July 31, 2020, Governor Kemp entered another executive order which incorporated all of the terms and provisions of his above-mentioned July 15, 2020, Executive Order and which was made effective from August 1, 2020, at 12:00 a.m., until August 15, 2020, at 11:59 p.m.; and,

WHEREAS, on August 15, 2020, Governor Kemp entered another executive order effective from August 16, 2020, at 12:00 a.m. until August 31, 2020 at 11:59 p.m., which (1) extends the restrictions set forth in his July 31, 2020, Executive Order, (2) allows license-exempt day camp programs the option to operate during school terms for the purpose of providing Supervision as defined by Ga. Comp R. & Regs. R.591-1-1.32(7) and/or providing a physical location for children five (5) years of age or older participating in digital or distance learning during school hours, (3) suspends the nap or rest period requirement for pre-K programs that are operating less than six (6) consecutive hours per day, and (4) authorizes some local governments who meet a coronavirus “threshold” (there must be a prevalence in the applicable County of confirmed cases of COVID-19 over the previous 14 days of at least 100 cases per 100,000 people) to mandate the wearing of masks or face coverings in public subject to a number of restrictions including, but not limited to, (i) the unenforceability of such a mandate on private property unless the owner or occupant consents, (ii) exempting from the mandate’s application individuals on private residential property or at polling places, (iii) exempting from the mandate’s application individuals while eating or drinking, who have difficulty donning or removing a face mask or face covering without assistance, who have a bona fide religious objection to wearing the mask, or who have a bona fide medical reason not to wear a face mask or face covering, (iv) limiting enforcement of the mandate to individuals and not holding owners, directors, officers, or agents of any business, establishment, corporation, non-profit corporation, or organization liable for the failure of their employees or customers to comply with the mandate, (v) requiring the issuance of a warning before writing a citation for violating the mandate, and (vi) limiting the penalty for non-compliance with the mandate to \$50.00 without any imprisonment; and,

WHEREAS, on August 31, 2020, Governor Kemp entered another executive order effective from September 1, 2020, at 12:00 a.m. until September 15, 2020, at 11:59 p.m., extending for fifteen (15) days all of the terms and provisions set forth in his August 15, 2020, Executive Order; and,

WHEREAS, on September 15, 2020, Governor Kemp entered another executive order effective from September 16, 2020, at 12:00 a.m. until September 30, 2020, at 11:59 p.m., again extending for fifteen (15) days all of the terms and provisions set forth in his August 31, 2020, Executive Order, and also terminating his prior April 8, 2020, Executive Order with respect to nursing homes and long-term care facilities, and instead implementing a three-phase system for the opening up of Long-Term Care Facilities (as defined therein) pursuant to the State of Georgia Department of Public Health’s Long-Term Care Facilities Reopening Guidance Administrative Order; and,

WHEREAS, on September 30, 2020, Governor Kemp entered another executive order effective from October 1, 2020, at 12:00 a.m. until October 15, 2020, at 11:59 pm., once again extending for fifteen (15) days most of the terms and provisions set forth in his September 15, 2020, Executive Order except for the provisions specifically applicable to summer camps and overnight camps; and,

WHEREAS, on October 15, 2020, Governor Kemp entered another executive order effective from October 16, 2020, at 12:00 a.m. until October 31, 2020, at 11:59 p.m., extending for fifteen (15) days all of the terms and provisions set forth in his September 30, 2020, Executive Order; and,

WHEREAS, on October 30, 2020, Governor Kemp entered another executive order effective from November 1, 2020, at 12:00 a.m. until November 15, 2020, at 11:59 p.m., extending for fifteen (15) days all of the terms and provisions set forth in his October 15, 2020, Executive Order; and,

WHEREAS, on November 13, 2020, Governor Kemp entered another executive order effective from November 16, 2020, at 12:00 a.m. until November 30, 2020, at 11:59 p.m., extending for fifteen (15) days all of the terms and provisions set forth in his October 30, 2020, Executive Order; and,

WHEREAS, on November 30, 2020, Governor Kemp entered another executive order effective from December 1, 2020, at 12:00 a.m. until December 15, 2020, at 11:59 p.m., extending for fifteen (15) days all of the terms and provisions set forth in his November 13, 2020, Executive Order; and,

WHEREAS, on December 8, 2020, Governor Kemp entered another executive order effective from December 16, 2020, at 12:00 a.m. until December 31, 2020, at 11:59 p.m., extending for fifteen (15) days all of the terms and provisions set forth in his November 30, 2020, Executive Order; and,

WHEREAS, on December 30, 2020, Governor Kemp entered another executive order effective from January 1, 2021, at 12:00 a.m. until January 15, 2021, extending for fifteen (15) days all of the terms and provisions set forth in his December 8, 2020, Executive Order, and also implementing a **“Post-Exposure Quarantine Protocol”** which shall mean that, in accordance with Centers of Disease Control and Prevention and Georgia Department of Public Health guidelines, any person who has had close contact (six (6) feet or closer for a cumulative total of fifteen (15) minutes or more) with a person that has or is suspected to have COVID-19 within the past fourteen (14) days is required to either (1) Quarantine at their home or place of residence for fourteen (14) days from the date of the most recent exposure, (2) Quarantine at their home or place of residence for at least ten (10) days from the date of the most recent exposure, then practice extreme diligence in monitoring for Symptoms of COVID-19, wearing a face covering, and social distancing until fourteen (14) days have passed since the date of the last exposure, or (3) Quarantine at their home or place of residence for at least seven (7) days from the date of the most recent exposure if a COVID-19 test was taken no earlier than day five (5) of quarantine and a negative result is received, then practice extreme diligence in monitoring for Symptoms of COVID-19, wearing a face covering, and social distancing until fourteen (14) days have passed since the date of the most recent exposure (providing that if at any time during the Post-Exposure Quarantine Protocol time period a person experiences Symptoms of COVID-19, that person shall be required to seek a COVID-19 test, isolate until the test results are received, and proceed in accordance with the test results and Centers of Disease Control and Prevention and Georgia Department of Public Health Guidelines); and,

WHEREAS, on January 15, 2021, Governor Kemp entered another executive order effective from January 16, 2021, at 12:00 a.m. until January 31, 2021, at 11:59 p.m., extending for fifteen (15) days all of the terms and provisions set forth in his December 30, 2020, Executive Order; and,

WHEREAS, on January 29, 2021, Governor Kemp entered another executive order effective from February 1, 2021, at 12:00 a.m. until February 15, 2021, at 11:59 p.m., extending for fifteen (15) days all of the terms and provisions set forth in his January 15, 2021, Executive Order; and,

WHEREAS, on February 15, 2021, Governor Kemp entered another executive order effective from February 16, 2021, at 12:00 a.m. until February 28, 2021, at 11:59 p.m., extending for thirteen (13) days all of the terms and provisions set forth in his January 15, 2021, Executive Order and, in addition, modified certain sanitation guidance for businesses and events based on recent findings that the virus may spread from surface contact, as well as added a requirement for restaurants and non-critical infrastructure businesses and events to ensure the proper operation of their ventilation systems which, based on findings, may reduce the spread of COVID-19 through increased air circulation and purification; and,

WHEREAS, on February 26, 2021, Governor Kemp entered another executive order effective March 1, 2021, at 12:00 a.m. until March 15, 2021, at 11:59 p.m., extending for fifteen (15) days all of the terms and provisions set forth in his February 15, 2021, Executive Order and, in addition, modified the Post-Exposure Quarantine Protocol with respect to exposed persons who have been fully vaccinated against COVID-19, or have recovered from illness due to laboratory confirmed COVID-19 infection, have already met criteria to end isolation, and are within ninety (90) days following the onset of COVID-19 symptoms or the first positive COVID-19 test result if they were asymptomatic during the initial infection, which persons shall not be required to quarantine but shall actively monitor for COVID-19 Symptoms; and,

WHEREAS, on March 12, 2021, Governor Kemp entered another executive order effective March 16, 2021, at 12:00 a.m. until March 31, 2021, at 11:59 p.m., combining the COVID19 restrictions for restaurants and bars to hold both types of establishments to the same standards, and streamlining the suggestions and requirements for critical infrastructure and non-critical infrastructure organizations to remove unnecessary requirements based on existing standard operating procedures for the organizations and the ineffectiveness of certain measures, and otherwise extending for sixteen (16) days all of the terms and provisions set forth in his February 26, 2021, Executive Order; and,

WHEREAS, on March 31, 2021, Governor Kemp entered another executive order effective April 1, 2021, at 12:00 a.m., extending for thirty (30) days until April 30, 2021, at 11:59 p.m., all of the terms and provisions set forth in his March 12, 2021 Executive Order; and,

WHEREAS, on April 30, 2021, Governor Kemp entered another executive order effective May 1, 2021, at 12:00 a.m., extending for thirty (30) days until May 30, 2021, at 11:59 p.m., all of the terms and provisions set forth in his March 31, 2021 Executive Order except for (1) strongly encouraging, as opposed to mandating the social distancing and sanitation requirements for residents and visitors, (2) eliminating the restaurant and bar table distancing requirements and workers mask requirement, (3) eliminating all specific requirements for gyms and fitness centers, movie theaters, body art studios, estheticians, hair stylists, and massage therapists, (4) reducing the requirements for conventions, (5) eliminating the requirement that childcare facilities prohibit all unnecessary visitors, and (6) providing that live performance venues, regardless of seating capacity, are only required to

follow the guidelines for all Organizations, and such venues may implement additional measures in conjunction with the performer or organizer of an event; and,

WHEREAS, on May 28, 2021, Governor Kemp entered another executive order effective from May 31, 2021, at 12:00 A.M., until June 15, 2021, at 11:59 A.M., eliminated state COVID-19 restrictions for most facilities in Georgia, eliminating rules for restaurants, bars, conventions, childcare facilities, live performance venues, and other organizations, while leaving in place limited guidelines for long-term facilities, schools, and school districts (a copy of said May 28, 2021, Executive Order being attached hereto); and,

WHEREAS, on March 22, 2020, at 5:00 p.m., the Garden City Mayor declared an emergency in the City and set forth deliberate measures to minimize the spread of COVID-19 in Garden City and to prevent or minimize sickness and injury to people and damage to property within the City resulting from the virus, and has re-declared such emergency for forty-one (41) consecutive periods based on the continuing and increased threat of the disease; and,

WHEREAS, since the last Declaration of Local Emergency issued on April 30, 2021, the total confirmed number of COVID-19 cases in Georgia has increased from 879,854 to 895,253, and the total number of confirmed cases in Chatham County is 20,489, there having been 196 cases in the last two weeks; and,

WHEREAS, in the last fourteen (14) days, there have been 67 confirmed cases of COVID-19 per one hundred thousand (100,000) people in Chatham County, Georgia according to the Georgia Department of Public Health (less than the 100 cases per 100,000 people threshold needed to mandate the wearing of masks or face coverings); and,

WHEREAS, in December 2020, the State of Georgia implemented a COVID-19 vaccine distribution plan which has been successful in vaccinating a significant percentage of Georgia's general population; and,

WHEREAS, as a result of the State's successful vaccine distribution program, the ample supply of COVID-19 tests and personal protective equipment, the improved treatment methods for COVID-19 patients, and residents' efforts to minimize the spread of COVID-19 through social distancing, wearing face coverings, and hand sanitizers, the increase of COVID-19 cases has slowed down; and,

WHEREAS, in the judgment of the Mayor, the following actions are still advisable and appropriate to provide for the health, safety, and welfare of Garden City's residents as they resume conducting normal activities with reduced COVID-19 related restrictions.

NOW, THEREFORE, pursuant to the authority vested in me by local and state law,

IT IS HEREBY DECLARED that a local state of emergency again exists in the City and shall continue until the conditions requiring this Declaration are abated or until the Declaration expires as a matter of law.

IT IS THEREFORE ORDERED as follows:

1. This Declaration is issued in accordance with, and incorporates by reference, the Executive Orders of the President of the United States, the March 14, 2020, Proclamation of a State of Emergency issued by Governor Brian Kemp, and the above-mentioned Governor's Executive Orders of April 2, 2020, April 8, 2020, April 20, 2020, April 23, 2020, April 27, 2020, April 30, 2020, May 12, 2020, May 28, 2020, June 11, 2020, June 29, 2020, July 15, 2020, July 31, 2020, August 15, 2020, August 31, 2020, September 15, 2020, September 30, 2020, October 15, 2020, October 30, 2020, November 13, 2020, November 30, December 8, 2020, December 30, 2020, January 15, 2021, January 29, 2021, February 15, 2021, February 26, 2021, March 12, 2021, March 31, 2021, April 30, 2021, and most recently, May 28, 2021. The terms of such Orders are hereby made the terms of this Declaration to be carried out with the force of local law.
2. In addition, the following measures shall be implemented effective 12:01 a.m. on May 31, 2021, in accordance with Governor Kemp's Executive Order dated May 28, 2021:
 - (a) All required resources of Garden City shall be made available to assist in activities designed to control the spread of COVID-19, and to aid in recovery efforts.
 - (b) Through June 15, 2021, all Long-Term Care Facilities, as defined on Pages 7 and 8 of Governor's Kemp's May 28, 2021, Executive Order to include nursing homes, intermediate care facilities, inpatient hospice, assisted living communities, community living arrangements, and community integration homes shall strictly comply with the Georgia Department of Public Health's Long-Term Care Facility Administrative Order, as well as all directives and guidelines provided by the Georgia Department of Public Health, the Georgia Department of Community Health, and the Georgia National Guard.
3. Telecommuting and operating as a single member home office with no clients or customers is not a violation of residential zoning.
4. Any person firm, or corporation located or doing business in the City which overcharges for any goods, materials, and services sold within the City during the duration of this Declaration or subsequent recovery period shall be prosecuted to the fullest extent permitted by law.
5. Any city ordinance in conflict with this Declaration is temporarily suspended during the Declaration of Local Emergency period, unless otherwise amended in writing.
6. A violation of this Declaration shall be punished as outlined in Section 1-13 of the Garden City Code.

7. This Declaration is issued based on evidence of the current level of COVID-19 cases within Chatham County and throughout the State of Georgia, scientific evidence and best practices regarding the most effective approaches to prevent the transmission of communicable diseases generally and COVID-19. It comes after the release of substantial guidance from the CDC, the Georgia Department of Public Health, and other public health officials throughout the State of Georgia, the United States, and around the world, including a variety of prior orders to combat the spread and harms of COVID-19.

8. The measures set forth in this Declaration shall be in effect from May 31, 2021, at 12:01 a.m. until June 15, 2021, at 11:59 p.m., but may be re-exercised and extended by the Mayor for additional emergency periods upon subsequent declarations of emergencies being made based on the continued assessment of the quickly evolving situation.

ENTERED at 10:00 a.m. on this the 29th day of May, 2021.

A handwritten signature in blue ink, appearing to read "Don Bethune". The signature is fluid and cursive, with the first name "Don" and last name "Bethune" clearly distinguishable.

DON BETHUNE, Mayor